

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MARZEN MEDIA LLC,

Case No.: 2:24-cv-01883-APG-EJY

**Plaintiff**

## **Order for Supplemental Briefing**

V.

FL NEWSLETTER LLC,

## Defendant

8 Defendant FL Newsletter LLC filed a special motion to dismiss plaintiff Marzen Media  
9 LLC's deceptive trade practices claim under Nevada's anti-SLAPP statute. ECF No. 21. Marzen  
10 amended its complaint to drop the deceptive trade practices claim and responded to the anti-  
11 SLAPP motion by arguing the motion was moot due to the amendment. ECF Nos. 29; 31.  
12 Marzen relied in part on one of my cases, *Diamond Resorts U.S. Collection Development, LLC,*  
13 *et al., v. Reed Hein & Assoc., LLC, et al.* See ECF No. 31 at 2.

In *Diamond Resorts*, I denied an anti-SLAPP motion as moot after the plaintiff filed an amended complaint because the motion was directed at a prior version of the complaint. Case No. 2:17-cv-03007-APG-VCF, ECF No. 160 (D. Nev. March 2, 2020). The Supreme Court of Nevada has since indicated that filing an amended complaint while an anti-SLAPP special motion to dismiss is pending is not grounds to deny the anti-SLAPP motion as moot. *Vannah v. L. Off. of Daniel S. Simon*, No. 82058, 506 P.3d 1073, 2022 WL 986138, at \*1 (Nev. 2022). Instead, if the anti-SLAPP motion was filed before the amended complaint, a “court should conduct its anti-SLAPP analysis based on [the] original complaint.” *Id.*<sup>1</sup>

<sup>23</sup> <sup>1</sup> In another unpublished case, the Supreme Court of Nevada has held that voluntarily dismissing the complaint in its entirety divests a Nevada state court of jurisdiction to award fees and costs under Nevada's anti-SLAPP statute because a voluntary dismissal closes the case and a court can

1 The parties have not addressed *Vannah*. Marzen took the position in its response brief  
2 that the anti-SLAPP motion was moot, so it did not address the motion on the merits. In its  
3 reply, FL argued that its motion was not moot, although it did not cite to *Vannah*. I grant Marzen  
4 leave to address *Vannah*, substantively oppose the anti-SLAPP motion, and explain why fees  
5 should not be granted to FL.

I THEREFORE ORDER that plaintiff Marzen Media LLC may file a supplemental opposition to defendant FL Newsletter LLC's motion to dismiss (ECF No. 21) by March 26, 2025.

I FURTHER ORDER that defendant FL Newsletter LLC may file a reply by April 2, 2025.

11 DATED this 12th day of March, 2025.

  
ANDREW P. GORDON  
CHIEF UNITED STATES DISTRICT JUDGE

<sup>23</sup> award fees only if it “grants” the anti-SLAPP motion. See *Padda v. Hendrick*, No. 78534, 461 P.3d 160, 2020 WL 1903191, at \*1-2 (Nev. 2020) (quoting Nev. Rev. Stat. § 41.670(1)).